



UNPRPD MPTF
Partnership on the Rights of Persons with Disabilities



UNITED NATIONS
VIET NAM



SITUATIONAL ANALYSIS OF THE RIGHTS OF PERSONS WITH DISABILITIES

VIET NAM



COUNTRY BRIEF



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COUNTRY BRIEF

Disclaimer

This brief was prepared by the Technical Secretariat. It summarizes the key findings from the situational analysis report and does not necessarily reflect the position of the UNPRPD MPTF.

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ACRONYMS AND ABBREVIATIONS

CRPD	Convention on the Rights of Persons with Disabilities
DOLISA	Department of Labour, Invalids and Social Affairs
DRM	Disaster Risk Management
DRR	Disaster Risk Reduction
GSO	General Statistics Office
LPD	Law on Persons with Disabilities
MARD	Ministry of Agriculture and Rural Development
MOF	Ministry of Finance
MOH	Ministry of Health
MOLISA	Ministry of Labour, Invalids and Social Affairs
MPTF	Multi-Partner Trust Fund
NA	National Assembly
NCD	National Council on Disability
NGO	Non-Governmental Organization
OPDs	Organizations of Persons with Disabilities
SDGs	Sustainable Development Goals
UN	United Nations
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNFPA	United Nations Population Fund
UNICEF	United Nations International Children's Fund
UNPRPD	United Nations Partnership on the Rights of Persons with Disabilities
VFD	Viet Nam Federation on Disability

1 BACKGROUND

The United Nations Partnership on the Rights of Persons with Disabilities Multi-Partner Trust Fund (UNPRPD MPTF) is a unique partnership that brings together United Nations (UN) entities, governments, organizations of persons with disabilities (OPDs), and broader civil society to advance the implementation of the Convention on the Rights of Persons with Disabilities (CRPD) and disability-inclusive Sustainable Development Goals (SDGs) at the country level around the world.

The UN entities participating in UNPRPD are ILO, OHCHR, UNDESA, UNDP, UNESCO, UNICEF, UNFPA, UN Women and WHO. Other UNPRPD members include the International Disability Alliance and the International Disability and Development Consortium (IDDC). The main contributors to the UNPRPD MPTF are Australia, Finland, Norway, Sweden and the United Kingdom.

In 2020, with the Strategic and Operational Framework 2020-2025 UNPRPD adopted a new programme design approach. The Framework moves towards proactive, results-oriented joint programming to drive implementation of the CRPD and disability-inclusive SDGs.

In the same year, the UNPRPD launched its fourth funding call and invited UN Country Teams (UNCTs) to submit proposals for joint country-level programmes with the objectives of advancing CRPD implementation and improving the implementation of disability-inclusive SDGs. The 26 selected teams (see Annex 1) were then allocated an initial budget to deliver an induction training, conduct a country situational analysis and complete a full joint programme proposal based on the findings of the situational analysis.

The 26 countries each conducted a comprehensive multistakeholder situational analysis to identify gaps and opportunities around preconditions to CRPD implementation and agree on a set of recommendations to address them.

From March to August 2021, the Viet Nam UNCT conducted the comprehensive situational analysis. The methodology included a desk review of relevant literature, key informant interviews and focus groups, stakeholder mapping exercises, and consultative workshops with key stakeholders.

The full situational analysis report can be found [here](#).

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WHY A COUNTRY ANALYSIS?

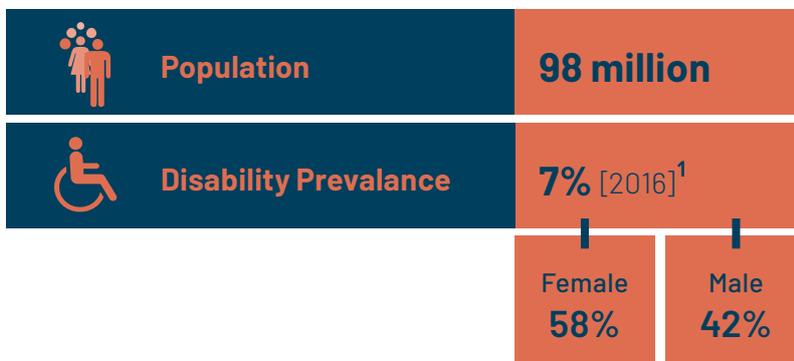
Many countries still struggle to transform the CRPD into concrete policies, systems, programmes and services that uphold the rights of persons with disabilities. It is urgent that governments and their implementation partners deliver on their SDG commitments through CRPD-compliant interventions. To support countries in the most catalytic way requires understanding the main bottlenecks and priorities in each country in relation to the fulfilment of the CRPD. We needed to know who the key stakeholders are, how implementation/monitoring mechanisms are functioning (or not), which capacities stakeholders may need to improve, and which ongoing development processes could be leveraged to become more disability inclusive.

The situation analyses were designed to:

- Inform the design of future PRPD-funded programmes in the country and serve as a baseline for them;
- Inform UNCTs of gaps in achieving disability inclusion in ongoing national processes and programmes and recommend further, in-depth analysis where needed;
- Build a base of mutual understanding and working relationships among UN entities, government, OPDs and other civil society organizations, as well as the private sector and academia, as the basis for future co-design of joint programmes;
- Strengthen the capacity of those stakeholders to more effectively include and address the rights of persons with disabilities as outlined in the CRPD; and,
- Serve as an advocacy tool for ODPs and other civil society partners, both national and international.

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INTRODUCTION TO DISABILITY CONTEXT IN VIET NAM



The 2010 Law on Persons with Disabilities (LPD) defines a person with disabilities as “a person who is impaired in one or more body parts or suffers functional decline manifested in the form of disability which causes difficulties to his/her work, daily life and study.”² This definition does not fully encompass the concepts and approach of the CRPD. It emphasizes physical impairments deemed to cause hardship in the life of a person with disabilities, without considering the social and environmental barriers that interact with physical impairments to form disabilities.

According to the Ministry of Justice, by the end of 2019, nearly three million persons with disabilities in Viet Nam had been granted certificates of disability (26 percent of persons certified were under 65 years old, 20 percent of whom had extremely severe disabilities and 66 percent had severe disabilities). Many persons with disabilities in Viet Nam have multiple disabilities, with around 4 percent experiencing difficulties in two or more functional domains. Disability rates tend to increase with age, with prevalence higher among women than men. The 2019 National Population and Housing Census, conducted by the General Statistics Office, found that the North Central and Central Coast (7.6 percent) and Central Highlands (4.1 percent) regions had the highest and lowest disability rates, respectively, of Viet Nam’s six socio-economic regions. The disability rate in rural areas is 1.5 times higher than in urban areas.

4 FINDINGS

4.1 Stakeholder coordination mechanisms

The key stakeholders responsible for implementing and monitoring the CRPD are highlighted below. A full list of stakeholders is included in the full report.

Government

- **National Assembly (NA)** is identified by the government as the supreme, independent supervisory authority that oversees implementation of disability-related laws and policies, as well as the CRPD. The NA is tasked with enacting and amending laws to protect the rights of persons with disabilities. Data on those persons are disseminated through annual NA monitoring reports.
- **Ministry of Labour, Invalids and Social Affairs (MOLISA)** is tasked with overall State management of disability issues, including promulgating and implementing policies, plans and programmes related to persons with disabilities and coordinating disability-focused ministries, ministerial-level agencies, and provincial People's Committees.
- **Department of Social Protection** within MOLISA is the focal agency and administers the **National Council on Disability (NCD)**. The NCD oversees laws and policies related to persons with disabilities and developed the National Strategy of Action 2012-2020 and 2021-2030 to support them. It has local councils in 34 of 63 provinces and a mandate to assist the Prime Minister to direct ministries, agencies, and localities in disability support activities.
- **Ministry of Health (MOH)** is responsible for providing health care to persons with disabilities, works with MOLISA on rehabilitation for those persons, provides training, and guides community-based functional rehabilitation.
- **Ministry of Education and Training (MOET)** oversees education for persons with disabilities, including training teachers and compiling curricula and textbooks for students with disabilities. More than 10 other ministries and government agencies are directly involved in disability issues within their respective fields.

Organisations of persons with disabilities

The **Viet Nam Federation on Disability (VFD)** is an umbrella organization working at the national level under MOLISA and a member of the NCD. VFD's mandate is to provide grassroots support for the formulation and implementation of the Communist Party of Viet Nam's policies and laws on disability. VFD represents persons with disabilities and OPDs in international settings and amplifies those voices within the NCD and government agencies. Through the VFD, OPDs and persons with disabilities monitor implementation of disability-related policies.

Provincial-level OPDs exist in 21 of the country's 63 provinces and cities. The Department of Labour, Invalids and Social Affairs (DOLISA) is responsible for overseeing their registration and operation. NCD and DOLISA collaborate closely, but in principle, OPDs operate under the supervision of local DOLISA offices. They are members of VFD, which are mostly established by persons with physical disabilities and act as provincial umbrella organizations.

The most long-standing OPD is the Viet Nam Blind Association, which was founded in 1969 and includes 57 of the 63 provincial blind associations. Although these associations are also VFD members, they are administratively and financially independent from provincial OPDs. Many informal OPDs exist nationwide and support the development of disability-related policies, promote the empowerment of persons with disabilities, and provide services, including counselling, livelihood generation and social protection.

The government and non-governmental organizations (NGOs) often train OPDs on vocational training, leadership and national policies, especially those related to social protection. However, their capacity to advocate for strengthening disability inclusion and aligning national policies with the CRPD and its monitoring and reporting requirements needs to be strengthened.

UN system

The UN and other international organizations partner closely on disability issues with the above-mentioned stakeholders. Interventions by UN agencies – particularly the United Nations Development Programme (UNDP) United Nations Population Fund (UNFPA), United Nations International Children's Fund (UNICEF), UN Women and the World Health Organization – include rights-based policy advocacy to strengthen or introduce policies and legal instruments to mainstream disability issues. Efforts include capacity-building activities, generation of disability-related data and evidence, promotion of inclusive education, and provision of legal aid. Within the UN, a coordination mechanism was established to support implementation of the UNCT's UN Disability Inclusion Strategy.

Summary of stakeholder coordination analysis

While a range of stakeholders are engaged in managing and implementing a wide spectrum of laws, policies, programmes and activities to champion and ensure that persons with disabilities reach their full potential in Viet Nam, the lack of a multi-stakeholder coordination mechanism results in gaps and overlaps in this national effort. Thus, with the government

having identified key actors and assigned responsibilities, there is a significant need for greater multi-sectoral/multi-stakeholder coordination, especially between subnational bodies, to enhance outputs and more clearly define areas of accountability. This requires addressing MOLISA's overarching roles and potential areas of conflict between its dual mandate as the State management agency on disability and as chair of NCD, tasked with monitoring and identifying gaps in policy and policy implementation. This has impacts on transparency and accountability.

The lack of a national coordination mechanism limits the participation and engagement of key stakeholders, OPDs and local organizations in decision-making and policy development. This is evidenced by the 29 provinces without an established NCD that struggle to engage and raise their voices at the central level and participate in decision-making at the national level, including on budget issues through the NCD's vertical structure. This lack of coordination platform also impedes the VFD's ability to develop and monitor the implementation of disability-related laws and policies. The VFD's independence is also questionable as it is administered by MOLISA and other related ministries.

OPDs face similar obstacles, as many are required to operate in silos, leading to inefficiencies and a lack of synergies among such organizations. Their linkages to line ministries, especially MOLISA, and the national coordination structures of NCD and VFD are also weak. These issues leave the UN to act as a bridge between the above-mentioned stakeholders, convening gatherings, building capacity, and facilitating the participation of persons with disabilities and their organizations in government processes. While several UN agencies operate projects that mainstream or focus on disability issues, there is no clear mechanism to support joint programming within UN agencies. Addressing these issues would increase the impact of UN efforts, address gaps and avoid the risk of duplication.

4.2 Preconditions for disability inclusion

In its Strategic Framework, UNPRPD identified five preconditions as foundational elements that must be in place to address the rights of persons with disabilities across sectors. The following findings focus on these preconditions in the Viet Nam context.

- 1 Equality and non-discrimination
- 2 Accessibility
- 3 Inclusive service delivery
- 4 CRPD-compliant budgeting and financial management
- 5 Accountability and governance

Equality and non-discrimination

In addition to ratifying the CRPD, Viet Nam’s legal framework for persons with disabilities includes the LPD and sub-law documents guiding its implementation, and laws and policies that mainstream or include the rights of persons with disabilities (such as in employment, education, health and social welfare).

Viet Nam does not have a general anti-discrimination law. The 2013 Constitution guarantees equality before the law and prohibits discriminatory treatment. Some legislation in Viet Nam includes open-ended non-discrimination clauses, which should be understood to include persons with disabilities. The LPD specifically prohibits acts of stigma and direct discrimination against these persons, defining discrimination as an “act of shunning, refusing, maltreating, disparaging, showing prejudice against, or restricting the rights of persons with disabilities because of their impairments.”³

Viet Nam has other laws and policies that prohibit discrimination on disability grounds (see full report at unprpd.org).

Consultations for this report identified five areas where persons with disabilities in Viet Nam often experience stigma and discrimination despite the legislation: employment, accessibility to information, public transportation, accessibility to public facilities, and health care and rehabilitation services. Further, Viet Nam’s multidimensional poverty rate spotlights the impacts of stigma and inequalities. In 2016, 17.8 percent of persons with disabilities lived in households with multidimensional poverty, compared to the national average of 10.9 percent. However, the situation is not identical for all persons with disabilities, as 79 percent of those living in poor ethnic minority households experienced multidimensional poverty.

Key findings

- The State has clearly indicated its commitment to disability inclusion through laws and policies. However, these commitments are not fully mainstreamed or implemented comprehensively. In addition, the National Action Plan for assisting persons with disabilities that runs until 2030 is ambitious but not legally binding, has not been supported by detailed guidance for line ministries, and has no monitoring mechanism. The budget requested and provided to achieve these objectives is unclear. These points need to be addressed to ensure adequate disability inclusion in national development strategy planning and implementation.
- The high rates of multidimensional poverty and low levels of education and employment of persons with disabilities indicate that discrimination and inequality are serious concerns in Viet Nam. The stigma and discrimination transcend government, society, families and persons with disabilities themselves.
- This makes evident that the legal framework in Viet Nam is inadequate in practice due to the absence of effective sanctions that focus on individuals committing acts of discrimination, direct forms of discrimination outlined in the LPD, and indirect discrimination through absence of affirmative action/reasonable accommodation that allow discrimination and stigma to reinforce existing inequalities. As such, the legal framework must be strengthened to encompass reasonable accommodation, specify disability as a prohibited ground, and provide for complaint mechanisms.

Inclusive service delivery

Disability assessment and referral services

One underlying challenge to social protection is the inadequate system for disability identification, assessment and determination, and provision of disability certification. The medicalized approach ignores the barriers faced by persons with disabilities, thus excluding less visible forms of disability, such as psychosocial. Although certification exists, referral procedures to obtain appropriate support services are inadequate. The availability of rehabilitation services varies between the provinces and rural/urban contexts. They often depend on financing by international organisations and delivery by NGOs.

Disability support services

Viet Nam has inclusive initiatives and policies focused on social protection, child protection, health, education and employment. While the brief highlights key gaps, further details can be found in the full report.

Social protection

- Coverage and value of social assistance are inadequate.
- Benefits for persons with disabilities are inaccessible.
- Financial and outcome data for disability-specific social schemes are lacking. When disability is included in mainstream (social, health and education) programmes, the lack of disaggregated data makes targeting and monitoring difficult.

Health

- The needs of persons with disabilities are not always included in action plans for implementation of health care-related laws. The five-year plans and strategies on health, population, development of youth and reproductive health, as well as the National Guidelines on Reproductive Health Services, do not incorporate those needs.
- Health sector statistics, including on sexual and reproductive health, are rarely disaggregated by disability status. No health system statistical reporting forms or indicators collect information on disability status, although the GSO has the capacity to incorporate questions on disabilities into surveys covering health indicators.
- Implementation of existing health accessibility regulations remains limited.
- Concern about health workers' qualifications and knowledge about various disabilities affects health-seeking behaviour.
- Stigma and discrimination in health facilities and health care workers' attitudes are a source of concern.

Education

- UNICEF's 2018 report on children with disabilities in Viet Nam found that nearly three-quarters of schools lacked teachers trained to educate persons with disabilities.
- Significant inequities exist in the availability of accessible textbooks and equipment between inclusive education centres in large cities and provinces, especially in remote areas.
- Acknowledging that the education system is not yet ready to provide meaningful education to all children with disabilities, the government has invested more in inclusive education support centres established in 21 provinces, combined with the establishment of 107 segregated education centres and 12 specialized education centres for children with disabilities.

Employment

- Despite multiple policies and projects on vocational training and employment to support persons with disabilities, the percentage of those persons who have received training remains low.
- The Ordinance on Disabled Persons in 1998 included a requirement for a minimum of 2-3 percent of employees with disabilities in government agencies and enterprises. However, the LPD and Labour Code move away from the quota requirement.
- In consultations, persons with disabilities stated that the greatest barriers to employment and vocational training were discrimination and limited options, with negative attitudes pervasive across the employment cycle.

Key findings

- Policymakers' lack of knowledge and awareness of disability issues is a key barrier to developing appropriate inclusive service delivery regulations.

- Policymakers lack information about accessibility, discrimination and quality of services available to persons with disabilities and often do not directly consult OPDs when making policy. Consultations also revealed that some OPDs felt government officials undervalued OPDs' capacity and did not take their concerns into full consideration.
- Coverage and value of social assistance are inadequate. This is a result of narrow categories of eligibility. Cash transfers and benefits remain insufficient to cover PWDs' living costs. Despite targeted benefits, nearly one-third of students with disabilities face financial burdens to access education services.
- Benefits for persons with disabilities are inaccessible. For example, transport benefits are not widely used due to low awareness among these persons and limited availability and accessibility of disability-friendly public transportation.
- Lack of disaggregated data on public spending on disability-specific schemes hinders advocacy for improved public investment. The government has been encouraged to work toward progressive universalism. However, if disability-related investments and outcome targets are not visible in these mainstream programmes, they cannot be monitored. UNICEF Viet Nam and other development partners have advocated that the government move towards universal child benefits. In addition, it recommended that Viet Nam enhance top-up cash assistance for vulnerable children, including those with severe disabilities; raise the benefit value, link it to a standard and adjust it periodically; and, if coefficients are used in calculating transfer values, ensure that benefit values meet age-specific development needs.

Accessibility

In the last decade, Viet Nam has made efforts to improve accessibility for persons with disabilities by developing a national technical regulations, standards and plans for accessibility (see the full report for a full list of accessibility laws and policies).

Accessibility policies are also integrated into the 2012-2020 and 2021-2030 National Action Plan for assisting persons with disabilities. The 2020 goal was for all regulatory agencies, transit stations, health care, education, vocational training, cultural and sporting facilities, and apartment buildings to be accessible to persons with disabilities. Moreover, at least 80 percent of persons with disabilities would be able to use transport conforming with access regulations and 50 percent of them could access information and communication technology. However, these ambitious targets have not been met.

Key findings

- The lack of enforcement mechanisms undermines the laws, policies and standards focused on enhanced accessibility for persons with disabilities. As a result, they have limited access to public and private facilities, transportation, government and media information. A lack of funding to encourage accessibility efforts by stakeholders is apparent. The participation of persons with disabilities and OPDs in monitoring the use of existing instruments is limited, while most provincial/district people's committees do not permit OPDs to take the lead or fully participate in decisions relating to public infrastructure.

- The current Law on Intellectual Property was not aligned with the Marrakesh Treaty and was recently amended in June 2022. Further, little data are available on persons with disabilities with print disabilities, challenges and available support services to access information. Integrating accessibility regulations into the 2021-2030 National Action Plan for assisting persons with disabilities would allow for strengthening of existing collaboration among UN agencies and the MOH, Ministry of Information and Communications, Ministry of Culture, Sports and Tourism, and OPDs.

CRPD compliant budgeting and financial management

The LPD stipulates that “Annually, the State shall allocate budget funds for implementation of policies on persons with disabilities,”⁴ assigning responsibility to the Ministry of Finance (MOF). There is no legal requirement to consult persons with disabilities and OPDs.

After approval of the 2012-2020 National Action Plan to support persons with disabilities, MOLISA and MOF issued a circular with budget management regulations. However, little is known about the budget allocated compared to that for other development areas. MOF has not issued an equivalent guidance document to detail budget allocation and spending for the new 2021-2030 National Action Plan.

In 2021, the UN in Viet Nam allocated 2 percent of its budget for disability-specific interventions and 5 percent for disability-inclusive projects, both 1 percent higher than in 2019. Two out of three UN agencies interviewed said that they had no specific project or budget allocated for disability issues. Although persons with disabilities are included in mainstreaming projects, project data are not disaggregated by disabilities. Only UNDP has a programme dedicated to disability inclusion, with a large proportion of the budget funded by embassies and a small amount covered by UNDP TRAC funds. The UNCT in Viet Nam has exceeded the requirements of the disability-inclusive employment indicator on the UNDIS Accountability Scorecard. However, the budget for reasonable accommodation is not secured, as it comes from the UNV-UNDP Talent Programme for Professionals with Disabilities, with donor funding.

Key findings

- The severe shortage of data and transparency regarding State budgeting for disability issues constitutes a clear challenge. The amounts that are publicly known represent a very small sum relative to the needs and are focused on subsidies for persons with disabilities and their cost norms. No comprehensive review has been conducted on whether national budgeting, allocation, spending, monitoring, evaluation and reporting comply with the CRPD. The MOF has not updated its circular on the national budget allocation and management for the support programme for persons with disabilities for 2021-2030. The ongoing review of LPD implementation offers an opportunity to incorporate a financial review to inform upcoming finance policy formulation.
- Consultations with OPDs highlighted a common misunderstanding that the CRPD requires a separate budget line dedicated to disability issues. As disability is a cross-cutting issue, its financial resources can be mainstreamed if proportionately

allocated, secured, well monitored and reported. OPDs have also raised the issue of regulations on self-funding. Without government support, OPDs must mobilize funds from various sources in an unsustainable manner.

- Overall, Viet Nam's budgeting for disability inclusion does not fully comply with CRPD principles. Exempted and reduced costs in the current subsidy scheme represent only a token demonstration of the State's commitment to persons with disabilities. This subsidy approach defines persons with disabilities as a burden on the social welfare system. It also includes harmful elements, such as the current focus on early defect detection in prenatal care, which may encourage pregnancy terminations, in violation of the CRPD. The shortage of data on disabilities means budget allocations are not effective and the government is restricted in assessing which areas to prioritize.
- The disability certification system's lack of a referral procedure to appropriate support services represents a missed opportunity for the government to better assess disability inclusion resourcing. Without referrals, line ministries - except MOLISA - are not aware of the number and needs of persons with disabilities and thus cannot develop accurate budget plans in response.

Accountability and governance

Inclusive evidence and data gathering systems

Viet Nam conducted its first National Household Survey on persons with disabilities in 2016. It was published by the GSO in 2018, with data internationally cited as official and CRPD compliant.

The NCD also collects administrative disability data from ministries and local authorities for periodic reports on supporting persons with disabilities. However, a lack of coordination appears to exist between the NCD, which is in charge of disability-specific indicators, and line ministries. Limited guidance on data to be collected, ministries' responsibilities, and inconsistent data provision are apparent. Qualitative and quantitative data are collected annually from most ministries and provincial, district and communal DOLISAs. NA monitoring reports cannot be found on its website but the documents do not meet accessibility needs.

National accountability mechanisms

VFD is responsible for monitoring and evaluating implementation of State disability-related policies and the CRPD. As NCD members, VFD representatives regularly visit localities to supervise implementation of disability-related policies.

The LPD and guiding documents do not explicitly stipulate the role of OPDs in monitoring CRPD implementation. However, since Viet Nam ratified the CRPD in 2015, with support from international organizations, Vietnamese OPDs have been empowered to gain knowledge on the CRPD, employ Office of the High Commissioner for Human Rights monitoring tools, conduct field research, and monitor CRPD implementation. The country submitted its first independent report to the CRPD Committee in 2020.

Key findings

- MOLISA's dual role as the State management agency on disability and chair of NCD, mandated to identify policy gaps affects its transparency and accountability. In addition, the VFD benefits from close links to MOLISA in terms of influence, which may restrict its ability to speak objectively. This potential risk is more pronounced given the lack of a national human rights institution established in line with the Paris Principles.
- The focus on legally recognized OPDs limits the kinds of organizations able to participate in policymaking, monitoring and evaluation processes. In consultations, OPDs indicated that available data on specific groups of persons with disabilities was insufficient, especially for the most marginalized, including persons with hearing impairments and print disabilities.⁵
- Three other key opportunities exist to improve data collection in Viet Nam.
 - UNDP supports MOLISA to develop a website and mobile application for persons with disabilities to self-register disability information to improve national disability data management. This will contribute to the digitalization of disability registration and certification, improving disability data management and supporting improved quality of disability-disaggregated data for Viet Nam's SDG indicators. The government adopted this idea in Programme No.1190 to facilitate advocacy for provision on data management for disability inclusion in the LPD revision.
 - Viet Nam has committed to ratify the Marrakesh Treaty and revise the Law on Intellectual Property in 2021. These steps create an opportunity to collect and analyse data regarding persons with print disabilities to inform upcoming policy formulation for national level treaty implementation.
 - The LPD revision offers opportunities for capacity building for OPDs and line ministries on the CRPD, SDGs and CRPD-compliant legislation, including on data collection. Similarly, it could strengthen relevant ministries' support and participation, including the Ministry of Planning and Investment, Ministry of Agriculture and Rural Development (MARD) and Ministry of Home Affairs, and enhance NCD coordination in data collection to help the government protect the rights of persons with disabilities.

4.3 Cross-cutting approaches: Participation, gender, inequalities

The UNPRPD has adopted three cross-cutting approaches to be intrinsically applied across all of UNPRPD MPTF's work, including its structures, programmes, and processes to ensure full and meaningful participation of all persons with disabilities.



Participation:

Enabling full and effective participation of persons with disabilities



Inequalities:

Ensuring the inclusion of marginalized and underrepresented groups of persons with disabilities



Gender:

Addressing gender inequality and advancing the rights of women and girls with disabilities

Participation

OPDs' participation in addressing disability issues remains limited, despite formal and informal OPDs operating in a favourable environment. Challenges remain to establish such an organization. Due to local authorities' limited human resources, OPDs in some localities are merged with relief associations for orphans or Agent Orange victims. This affects OPDs' visibility and voice to protect legitimate rights of persons with disabilities. In addition, OPDs are required to be financially independent, but often raise funds from aid sources and NGOs, which is not sustainable. As Viet Nam becomes a middle-income country, development partners' significant contributions to protecting the right of persons with disabilities and funding for OPDs are set to decrease. This will impact OPDs' operations and the national disability movement, given the lack of self-funding mechanisms and government support for activities.

OPDs lack opportunities for direct participation and need to build their capacity, including in leadership, technical competence and resource mobilization. OPDs have acted as "extended arms" of the government to reach and assist persons with disabilities in need. This role should be leveraged to assist the government in addressing disability issues in its recovery from the COVID-19 pandemic.

Gender

Women with disabilities have been more exposed to sexual and gender-based violence during the pandemic due to limited care, social and financial support, isolation at home, and stress. Even prior to COVID-19, 55.4 percent of women with disabilities reported experiencing physical and emotional violence from a husband or partner. The Viet Nam Women's Union reported that new admissions to shelters for victims of domestic violence have doubled since the outbreak. This trend could be accelerated by physical distancing and mandatory quarantine at home. In consultations, OPDs indicated that available data on specific groups of women with disabilities, especially the most marginalized, including women with hearing impairments and print disabilities, was insufficient.

Inequalities

Disability movements are strong among persons with physical and visual disabilities. Some of the most marginalized groups still need to be reached and to make their voices heard, including persons with deafness, intellectual or psychosocial disabilities and intersectoral vulnerable groups, such as deafblind persons, persons with multiple disabilities and persons with disabilities belonging to the LGBTIQ+ community.

4.4 Disability inclusion in broader development, humanitarian and emergency contexts

National development plans

Viet Nam's 2020 National Report on SDG Implementation noted that many areas where persons with disabilities need and receive support require greater attention, such as poverty elimination, access to education, employment, public transport and elimination of violence (especially against women with disabilities).

The State has clearly indicated its commitment to disability inclusion through laws and policies, and persons with disabilities and disability issues are included in national strategies. However, they are not fully mainstreamed or implemented comprehensively. In addition, while ambitious, the Plan of Action for support to persons with disabilities that runs until 2030 is not legally binding, has not been supported by detailed guidance for line ministries, and has no monitoring mechanism. The budget sought and made available to achieve these objectives is unclear. These points need to be addressed to ensure adequate disability inclusion in national development strategy planning and implementation.

Further, Viet Nam conducted the Common Country Analysis (CCA) in 2021 and highlighted the impacts on persons with disabilities across various SDGs, including education and gender.⁶ Informed by the CCA, the Viet Nam government and the UNCT have developed the UN Sustainable Development Cooperation Framework for 2022-2026, which emphasizes persons with disabilities.⁷

Climate change, disaster risk reduction and humanitarian action

The scarcity of data on impacts of natural disasters and emergencies on persons with disabilities means that policymakers fail to deliver appropriate responses. Limited attention to the specific needs of persons with disabilities in disaster risk reduction (DRR) laws, policies and strategies results in poor coordination between the MARD, which is responsible for DRR legal framework and national programmes, and the NCD, which leads disability mainstreaming.

While the government has taken a rights-based approach to disaster risk management (DRM) policies, this is not reflected at the community implementation level to build capacity of local disaster response teams and persons with disabilities.

Although persons with disabilities are prioritized in early warning, evacuation and relief efforts, implementation is not monitored. This is partly attributed to the absence of the MARD from, and its lack of accountability to, the NCD. In addition, persons with disabilities and their families are rarely given the opportunity and often lack capacity to participate in local DRM decision making. As a result, persons with disabilities may be entirely dependent on their families and community in emergencies, which threatens their safety.

In response, opportunities have emerged to improve disability inclusion in DRM. Support for persons with disabilities in disaster situations was promoted in a Prime Minister's Decision, and Viet Nam is a signatory to the Sendai Framework. In addition, after the NA discusses the draft Law on Statistics in October 2021, there will be an opportunity to include disability-disaggregated indicators on natural disaster impacts and community participation in local DRM.

COVID-19:

The pandemic has disrupted general health services and essential ones for pregnant mothers, newborns and children, particularly for vulnerable groups such as persons with disabilities. While they have priority to receive free vaccinations, persons with disabilities often face limited access to necessary medical equipment and services and struggle to implement recommended infection prevention measures. Some 70 percent of respondents with disabilities in a 2020 UNDP-supported rapid assessment reported challenges in accessing medical care, including check-ups, medicines, assistive devices and rehabilitation services.

Persons with disabilities have also experienced major economic impacts during the pandemic: 30 percent of those responding to a Viet Nam UNDP rapid assessment in early 2020 revealed that they were unemployed due to COVID-19. Nearly all (96 percent) expressed concerns for their financial security, while 28 percent saw their income fall in March 2020. As a result, 72 percent of persons with disabilities had monthly incomes of less than VND1 million (equivalent to \$43 USD), or 21 percent more people in this income range than during the previous period (February 2019-2020). This indicates that more persons with disabilities are falling into poverty.

A rapid study by the Nepal Disabled Women Association found that 36.78 percent of women with disabilities developed new health problems and 36.67 percent reported that supplies of regular medications were interrupted. Similarly, 56.18 percent of women with disabilities reported that they suffered various forms of violence during lockdown. A significant percentage of women with disabilities - 72 percent - reported that they had transportation problems, 55 percent reported having lost their income, and 51 percent reported problems in purchasing food due to the lockdown. Persons with disabilities were also found to have been exposed to violence and abuse and likely suffered more mental health problems due to the growing fear of the pandemic and the continued impacts of lockdown. They were left behind in the provision of services and many also lost their source of income.

5 CONCLUSIONS

The situational analysis report captures the challenges of persons with disabilities in Viet Nam in various sectors, current legislation and the implementation of disability-related policies. Overall, the country has a comprehensive legal and policy framework to protect the rights of persons with disabilities, which demonstrates the State's strong commitment to meeting international standards. However, inconsistencies are apparent within domestic policies compared to the international treaties Viet Nam has ratified. Furthermore, gaps between policy commitments and their enforcement undermine the foundations needed for disability inclusion.

The Viet Nam UNCT developed the following recommendations based on the findings of the situational analysis. The complete list of recommendations may be found in the full report.

- Strengthen the capacity of OPDs with a focus on women and girls and underrepresented groups in policy advocacy, particularly in rights to access information, revision of the cross-sectoral Law on Persons with Disabilities and the design, monitoring and implementation of national socio-economic development plans.
- In collaboration with OPDs, conduct further research on the situation of under-represented groups regarding accessibility and inclusivity of services and good practices in addressing barriers to inclusion.
- Support MOLISA to increase the quality and coverage of disability identification, assessment, certification and rehabilitation services. Ensure the transparency of this process, and all social-protection-related benefits and referrals, by supporting digitalizing the disability certification process. Coordinate with UNDP to support MOLISA to develop a website and mobile application for persons with disabilities to self-register their disability information to improve the national disability data management and availability, and raise awareness among persons with disabilities of the tools, encouraging their self-registration.
- Support OPDs with skills in providing feedback on accessibility concerns and establish a feedback mechanism for OPDs to report accessibility issues to the NCD.

- Support a study on CRPD compliance of the national SDGs and the current Socio-Economic Development Plan (2021-2025) and its budget allocation and spending to give evidence-based policy recommendations for the government to enhance disability inclusivity.
- Support VFD in updating the Washington Group's extended set of questions with national disability data in compliance with the CRPD, in preparation for the next National Survey on Disability.

ANNEX 1: 26 SELECTED COUNTRIES

Argentina
Colombia
Guatemala
Panama
Trinidad & Tobago

AMERICAS

Cameroon
DRC
Eswatini
Ghana
Rwanda
Sierra Leone
Tanzania
The Gambia
Tunisia
Zimbabwe

AFRICA

Montenegro
North Macedonia
Republic of Moldova

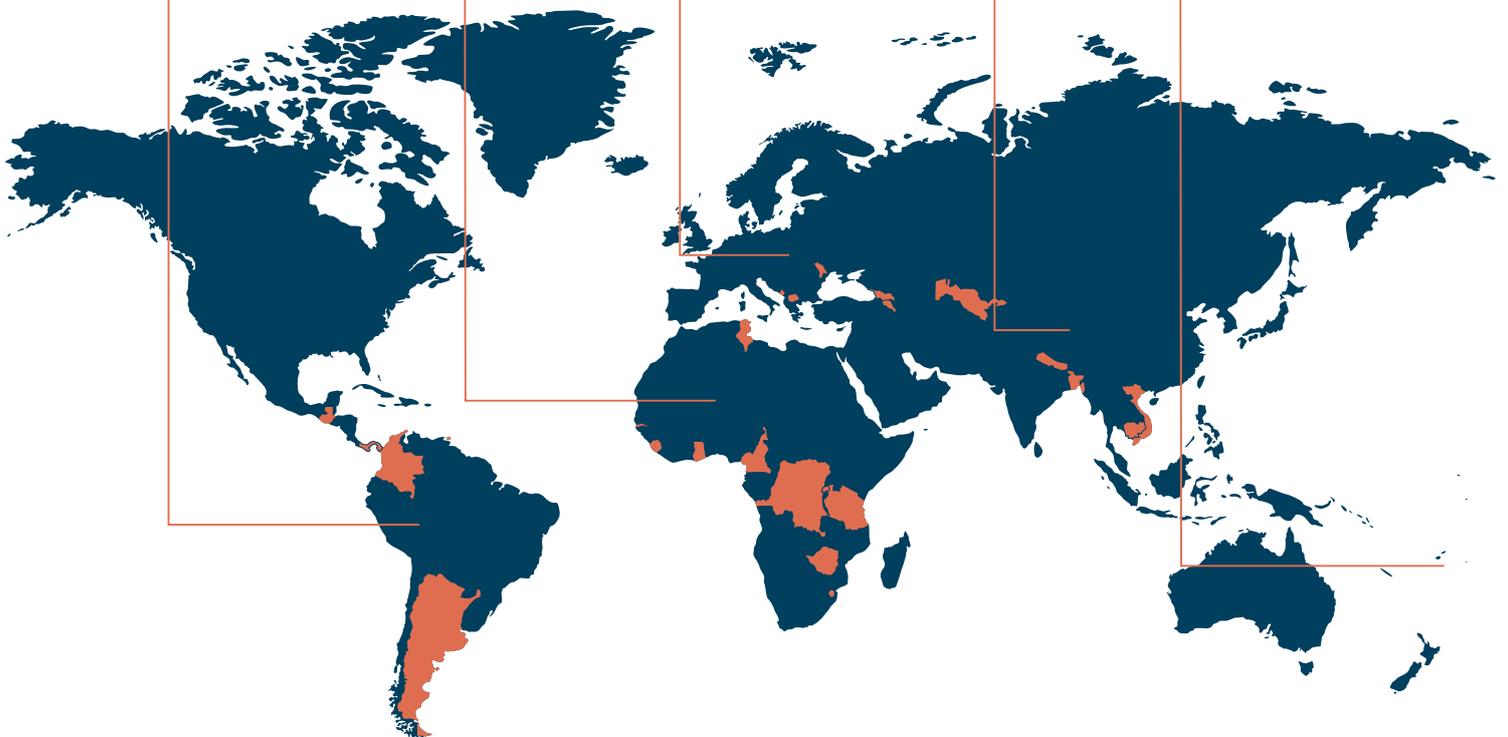
EUROPE

Armenia
Bangladesh
Cambodia
Georgia
Nepal
Uzbekistan
Vietnam

ASIA

Cook Islands

OCEANIA



ENDNOTES

- 1 National Population and Housing Census 2016
- 2 Viet Nam Government (2010), Law on Persons with Disabilities, Article 1.
- 3 Viet Nam Government (2010), Law on Persons with Disabilities, Article 1.
- 4 Viet Nam Government (2010), Law on Persons with Disabilities, Articles 5 and 50
- 5 A print-disabled person is "a person who cannot effectively read print because of a visual, physical, perceptual, developmental, cognitive, or learning disability."
- 6 <https://vietnam.un.org/en/144078-executive-summary-common-country-analysis-2021-viet-nam>
- 7 <https://unsdg.un.org/resources/un-sustainable-development-cooperation-framework-viet-nam-2022-2026>



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